

COLORADO MEDICAL BOARD

FULL BOARD OPEN MINUTES

**February 16, 2012
9:02 a.m.**

A Full Board meeting of the Colorado Medical Board was held Thursday, February 16, 2012, at 1560 Broadway, Conference Room 1250C, Denver, Colorado at 9:02 a.m. The meeting was noticed in accordance with Division policy.

Present were Dr. Butler, Dr. Groce, Mr. Jennings (departed at 2:05 p.m.), Mr. Kirkpatrick (departed at 11:26 a.m.), Dr. Matthews, Dr. Overholt (arrived at 9:20 a.m.), Dr. Salvatore, Mr. Schoenmakers (departed at 12:15 p.m.) and Dr. Watts.

The meeting was conducted by Dr. Watts.

Also in attendance for all or part of the meeting were Marschall S. Smith, Program Director; Maria Soto, Program Assistant; and Eric Maxfield, First Assistant Attorney General.

MINUTES

A motion was made, seconded, and carried to approve the minutes of the November 17, 2011 full board meeting as presented.

REPORTS

President's Report

- Dr. Watts reported on public health meetings he attended. No action was required or taken
- Dr. Watts observed that the Board's work was proceeding in a good manner, with the work of the Panel's moving and several important cases resolved in the Board's favor.
- Dr. Watts announced that he will be attending the Federation of State Medical Board's (FSMB) conference in April.
- Dr. Watts indicated that he expected the Board to make a final determination regarding rulemaking on Board Rule 140 no later than the May 2012 Full Board meeting.

Section Director's Report

- The Section Director provided the Board an update regarding the bills presently before the legislature.

Program Director's Report

- The Program Director updated the Board regarding a CDPHE newsletter article regarding the delegation of medical marijuana recommendations.
- The Program Director provided an update regarding maintenance of licensure and the work with FSMB on this effort. Including partnering with the Colorado Medical Society in this effort.
- The Program Director updated the Board regarding the progress toward removing public stipulations from NPDB and FSMB for licensees who were converting their public stipulations to confidential agreements. This activity had been previously authorized by the Board.
- The Program Director congratulated Board staff for accomplishing a backlog of under 10% and the extra efforts to keep the Board's business flowing smoothly.
- The Program Director informed board members of the intention to move the Full Board and Licensing Panel from a paper to an electronic format.

EXECUTIVE SESSION

A motion was made, seconded and carried to enter into Executive Session at 11:54 a.m., for the purpose of conferring with counsel for the Board to receive legal advice on specific legal questions, pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II), specifically:

- Advice concerning clarification of how the Board defines physician impairment.
- Advice concerning the unlicensed practice of medicine.

At 12:05 p.m., the Board's discussion in Executive Session was concluded and the Board returned to open session.

GENERAL BUSINESS

CPHP Second Quarter Report for period ending December 31, 2011

The Board reviewed the December 31, 2011 Second Quarter Report.

A motion was made, seconded and carried to accept the report.

Annual designation of 2012 board meeting notices

The Board reviewed a memo from Board staff regarding the location where meeting notices will be posted.

A motion was made, seconded and carried to designate the reception area of the Division of Registrations, 1560 Broadway, Suite 1350, Denver, Colorado 80202 as the location for all Board meeting notices.

Presentation from Chief Judge Azer

Chief Judge Azer presented to the Board and discussed the advantages of using mediation to resolve disciplinary matters.

The presentation was provided for the Board's information. No action was requested or taken

Presentation regarding concerns from naturopathic doctors regarding unintended violations of 12-36-106(1), C.R.S.

Diane Gallegos and Joanne Coffey presented their concerns to the Board.

The presentation was provided for the Board's information. No action was requested or taken.

Presentation from Leticia Overholt, M.D., Board Member

Dr. Overholt discussed her experience with taking the SPEX examination. Dr. Overholt observed that the examination would be an appropriate measure for determining competency of general knowledge for a physician but had limited application for determinations regarding physicians in a specialized area of practice.

The discussion was provided for the Board's information. No action was requested or taken.

GENERAL DISCUSSION ITEMS

Definition and application of the term Distinguished Foreign Teaching Physician

Dr. Watts led this discussion. The Board reviewed Section 12-36-107.2, Colorado Revised Statutes, Board Rule 140 (3 CCR 713-33), and a listing of Distinguished Foreign Teaching licenses previously and currently granted.

A motion was made, seconded, and carried to delegate to the Licensing Panel authority to develop and propose changes to Rule 140 for consideration and rulemaking.

Concern regarding disruptive behavior by physicians including the recreational use of illegal substances

Mr. Jennings led this discussion and he presented information obtained during his research of the matter.

No action was requested or taken on this matter.

OTHER BUSINESS

Office of Attorney General

First Assistant Attorney General Eric Maxfield provided an update to the Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:17 p.m.

These Minutes were approved by the Board on this 17th day of May 2012.

Approved by: Mark C. Watts, M.D. Date: May 17, 2012